



W.P.No.35117 of .

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.12.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 35117 of 2024

&

W.M.P.Nos. 38042 & 38045 of 2024

M.Yamunadevi

...Petitioner

Vs.

1.The District Collector,
Coimbatore District,
Coimbatore.

2.The Sub Divisional Magistrate (cum)
Revenue Divisional Officer,
Coimbatore.

3. Marisamy

4.Mahendra Prabhu

...Respondents



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Prayer: Writ Petition is filed under Section 226 of the Constitution of India for issue of Writ of Certiorari, calling for the records relating to the impugned proceedings dated 11.03.2024 passed in Na.Ka.No.225/2024/A1 on the file of the 2nd respondent herein and quash the same.

For Petitioner : Mr. K.Govi Ganesan

For Respondents : Mrs. S.Anitha
1 & 2 Special Government Pleader

For Respondents : Mr. T.Sai Krishnan
3 & 4

ORDER

This writ petition is filed for the following relief:

“To call for the records relating to the impugned proceedings dated 11.03.2024 passed in Na.Ka.No.225/2024/A1 on the file of the 2nd respondent herein and quash the same.”

2. The case of the petitioner is that the 3rd respondent is her father and out of natural love and affection, he had executed a settlement deed in respect of the property situate at Kunnathur Village in S.F.No.294/1,



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measuring an extent of 50 cents jointly in favour of the petitioner and her brother Mahendra Prabhu, vide settlement deed dated 28.06.2010, registered as Doc No.4599/2010 in the office of the Sub Registrar, Annur. Pursuant to the aforesaid settlement deed, the 3rd respondent handed over possession of the property to the petitioner and her brother. Having obtained title, right interest, ownership and possession of the property, the petitioner is operating a petrol bunk in the said property.

3. The petitioner would submit that her brother, the 4th respondent herein with a *mala fide* intention and greed to grab the entire property so settled, instigated the 3rd respondent to cancel the settlement deed in Doc No.4599/2010, by way of other means. The 3rd respondent on his son's advice, had filed a false and wrongful claim application before the Revenue Divisional Officer, Coimbatore, to cancel the settlement deed in Doc No.4599/2010, under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 in Na.Ka.No.225/2024/Al.

4. The petitioner would submit that the 2nd respondent has arbitrarily, without jurisdiction and without application of mind and



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without following the rules envisaged in the procedures established in the Act passed an order dated 11.03.2024, cancelling the settlement deed in Doc No.4599/2010, that too, after a period of 14 years from the date of settlement.

5. The petitioner would submit that she had filed an appeal before the 1st respondent, challenging the 2nd respondent's order dated 11.03.2024. However, the 1st respondent by his proceedings dated 29.04.2024, rejected her appeal stating that senior citizens alone are entitled to file statutory appeal under the Act. Hence, left with no other alternate remedy the petitioner is before this Court.

6. Heard the rival submissions on the either side and perused the records.

7. The settlement deed in question does not contain any condition permitting its cancellation. Its cancellation by the 2nd respondent was therefore arbitrary and beyond jurisdiction.



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8. Section 23(1) of the Act can be exercised by the authorities only in cases where the deed contains a condition that the transferee will take care of the transferrer with basic amenities and physical needs, and there is a breach of those conditions. This is also the dicta that has been laid down by the Honourable Supreme Court in its judgment in *Sudesh Chikara v. Ramti Devi and another - 2022 SCC Online SC 1684* and *Urmila Dixit vs. Sunilsharan Dixit - 2025 SCC Online SC 2*. In the instant case, the settlement deed in question contains no any such condition.

9. In view of the above observations, the writ petition is allowed. The impugned proceedings dated 11.03.2024 issued by the 2nd respondent is hereby quashed. Consequently, the connected miscellaneous petitions are closed. No costs.

19.12.2025

Index : Yes/No
Internet : Yes/No
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To

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